

Municipal Clerk  
Atlanta, Georgia

02-0 -1552

AN ORDINANCE

UEZ-02-09

BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**AN ORDINANCE TO CREATE THE "ARIZONA LOFTS MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE" AND FOR OTHER PURPOSES.**

**WHEREAS** an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS** enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS** the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial development purposes if certain conditions are met; and

**WHEREAS** the designation of a mixed-use residential/commercial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

**WHEREAS** certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS** State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS** the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS** it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS** the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

**Section 2:** The "Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone" is hereby created for the subject property. The effective date of all exemptions established therein shall be January 1, 2003. The Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone shall be abolished on December 31, 2012. The Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the Arizona Lofts Mixed-Use Residential/Commercial Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

**Section 4:** That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

UEZ-02-09

EXHIBIT "A"

Description of Property

All those tracts or parcels of land lying and being in Land Lot 210 of the 16th District of Dekalb County, Georgia, and being more particularly described as follows:

Tract 1:

To reach the point of beginning commence at an iron pin found at the intersection formed by the east line of Land Lot 210 (said line being the line common to Land Lots 210 & 211) and the southerly r/w of College Avenue (50' r/w) and proceed thence South 01°55'20" East along the east line of Land Lot 210 a distance of 498.01 feet to a point; proceed thence South 86°41'49" West, and departing the east line of Land Lot 210, a distance of 5.13 feet to a point; proceed thence South 42°47'47" West a distance of 57.38 feet to a point; proceed thence South 88°12'46" West a distance of 319.80 feet to a point on the easterly r/w of Arizona Avenue (60' r/w); proceed thence North 57°23'57" West a distance of 71.90 feet to an iron pin found on the westerly r/w of Arizona Avenue and the point of beginning; from the point of beginning thus established running thence South 01°00'00" East along the westerly r/w of Arizona Avenue a distance of 134.39 feet to a point; thence leaving said r/w and running South 89°00'00" West a distance of 150.00 feet to a point; running thence South 89°15'24" West a distance of 181.10 feet to an iron pin found; running thence North 02°34'08" West a distance of 305.59 feet to an iron pin found; running thence South 87°03'07" West a distance of 77.82 feet to a point; running thence North 01°22'08" West a distance of 108.00 feet to an iron pin found; running thence South 86°44'52" East a distance of 351.62 feet to an iron pin found; running thence South 89°59'58" East a distance of 87.22 feet to the westerly r/w of Arizona Avenue (60' r/w) and the point of beginning; said tract containing 2.36063 acres or 102.829 square feet

Tract 2

Beginning at a punch hole found at the intersection formed by the northerly r/w of College Avenue (50' r/w) and the east line of Land Lot 210 (said line being the line common to Land Lots 210 & 211) and running thence westerly along the northerly r/w of College Avenue (50' r/w and variable r/w) the following courses and distances: South 88°15'31" West, 315.84 feet to an iron pin found; thence along the arc of a curve to the right 34.49 feet to a brass disc found on the southeasterly r/w of Arizona Avenue (60' r/w) (said arc having a chord distance of 30.38 feet on a bearing of North 42°33'33" West and a radius of 20,000 feet); thence leaving said r/w of College Avenue and running North 07°03'45" East along the southeasterly r/w of Arizona Avenue a distance of 153.92 feet to the southwesterly r/w of the CSX Railroad; thence leaving the r/w of Arizona Avenue and running South 86°51'48" East along the southwesterly r/w of the CSX Railroad a distance of 343.92 feet to the East line of Land Lot 210; thence leaving said r/w and running South 01°59'41" East along the east line of Land Lot 210 a distance of 30.41 feet to the northerly r/w of College Avenue (50' r/w) and the point of beginning; said tract containing 0.78773 of an acre or 34.313 square feet.

Tract 3

Description of Property

Beginning at an iron pin found at the intersection formed by the east line of Land Lot 210 (said line being the line common to Land Lots 210 & 211) and the southerly r/w of College Avenue (50' r/w) and running thence South 01°55'20" East along the east line of Land Lot 210 a distance of 498.01 feet to a point; running thence South 86°41'49" West, and departing the east line of Land Lot 210, a distance of 5.13 feet to a point; running thence South 42°47'47" West a distance of 57.38 feet to a point; running thence South 88°12'46" West a distance of 319.80 feet to a point on the easterly r/w of Arizona Avenue (60' r/w); running thence northerly along the easterly r/w of Arizona Avenue the following courses and distances: North 00°56'41" West, 413.17 feet; thence along the arc of a curve to the right 100.18 feet to an iron pin found on the southerly r/w of College Avenue (variable r/w) (said arc having a chord distance of North 02°16'56" East and a radius of 889.330 feet); thence leaving the r/w of Arizona Avenue and running easterly along the southerly r/w of College Avenue (variable r/w and 50' r/w) the following courses and distances: along the arc of a curve to the right 42.33 feet (said arc having a chord distance of 38.80 feet on a bearing of North 45°43'56" East and a radius of 30,000 feet); thence North 88°15'31" East, 322.15 feet to the east line of Land Lot 210 and the point of beginning; said tract containing 4.42884 acres or 192,920 square feet

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easements app-  
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MATHEWS

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DEKALB AV

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ROGERS

ARIZONA

TRACT 2

TRACT 3

TRACT 1

 Npu-o-parcels  
Npu-o-streets

# ARIZONA LOFTS

## UEZ-02-09



**EVALUATION OF THE PROPOSED  
"ARIZONA LOFTS MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE"**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of $\geq 30\%$ for Block Group 1 of Census Tract 206. Meets this criterion.	Meets 3 of the 4 required criteria:
b. Unemployment	b. Unemployment: <ul style="list-style-type: none"> <li>Census Tract having at least 10% higher than the State Average; OR</li> <li>Significant Job Loss, to be documented by the applicant.</li> </ul>	b. Unemployment rate of 12.2% for Census Tract 206. Meets this criterion.	Meets Criteria #a, #b, & #c.
c. General Distress	c. General Distress: <ul style="list-style-type: none"> <li>High Crime within the police beat/zone; OR</li> <li>Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.</li> </ul>	c. Crime rate of only ~3% within Police Beat/Zone 603. However, the applicant has documented the presence of abandoned and dilapidated structures within one block of the subject property. Meets this criterion.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole.	d. 0% Non-Residential/1% Residential development activity within NPU "O", compared with the City overall. Does not meet this criterion.	
2. Acreage	None.	7.57 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: "Industrial." Allowed F.A.R.: Site plan-specific, per Z-01-70.	Proposed F.A.R.: 0.70. The submitted site plan is the same as the approved one under Z-01-70.	√
4. Zoning Compliance	Zoned "I-1-C" per Z-01-70, conditioned on the site plan.	The submitted site plan is the same as the approved one under Z-01-70	√
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone	Project-Specific.	√
6. Non-Displacement	Minimum Displacement	None.	√
7. Job Creation	First Source Jobs Policy	Proposes to comply.	√
8. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> <ul style="list-style-type: none"> <li>a. Negative cash flow; OR</li> <li>b. Debt coverage ratio <math>&lt; 1.20</math>; OR</li> <li>c. A variable-ratio debt coverage</li> </ul>	To be determined.	To be determined.

	ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.		
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**CITY OF ATLANTA**

**DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308

404-330-6145 • FAX: 404-658-7491

**SHIRLEY FRANKLIN**  
MAYOR

Commissioner

**TIM POLK**  
Acting Commissioner

Director

Bureau of Planning

July 16, 2002

**Mitchell Jaffe**  
Arizona Partners, LLC  
401 Claire Drive  
Atlanta, Ga. 30307

Dear Mr. Jaffe

We have received your application for designation of the Arizona Lofts mixed-use residential/commercial enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) O on Tuesday, July 23, 2002 at 7:30 p.m. at the DeKalb/Atlanta Human Service Center, located at 30 Warren Street. The chair of NPU - O is Shunalee Garvin-Campbell, who can be reached at (404) 524-5911. Please be present at the NPU - O meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,

  
**Beverly Dockeray-Ojo**  
Acting Director

cc: **Tim Polk**  
**Sara Wade Hicks**  
**Linda Logan**

## TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon/Wanda McCoy  
(For review & distribution to Executive Management)

Commissioner Signature Phil Smith Director Signature Wanda McCoy  
Department of Planning Bureau of Planning

From: Originating Dept. Department of Planning and Community Development Contact (name): Sara Wade Hicks,  
Assistant Director—Ext. 6728

Committee of Purview: Community Development /Human Resources

Committee Meeting Dates: 9/10/02 CD; 9/23/02 public hearing; 10/01/02 CD. Committee Deadline: 10/26/02  
City Council Meeting Date 10/07/02

### CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE "ARIZONA LOFTS MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT 130, 195, & 215 ARIZONA AVENUE, S.E. (a.k.a. 1721 DEKALB AVENUE, N.E.), AND FOR OTHER PURPOSES.

### BACKGROUND/PURPOSE/DISCUSSION:

Applicant/developer Arizona Partners, LLC proposes to construct a mixed-use development project that would include 193 new condominium units within three development phases, 8 live/work units in Phase I, and a café with 2,000 square feet in Phase II, comprising a total of 230,976 square feet on 7.57 acres of land. In accordance with the requirements for housing enterprise zones, 20 percent of the new housing units would be designated as "affordable" (for moderate-income residents). The subject property is located in NPU "O", Council District 5, within Land Lot 210 of District 15 in DeKalb County. If the proposed development project is constructed, it would further the City's policy of encouraging mixed-use development near the MARTA stations, and of promoting new housing development. The estimated total project development cost is \$22 million. Financing would be provided by Regions Bank.

### FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.  
*Mayor's Staff Only*

Received by Mayor's Office: 8/29/02 Reviewed: JS  
(Date) (Initials) (Date)

Submitted to Council: \_\_\_\_\_  
(Date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended  
☐ Substitute ☐ Referred ☐ Other